

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN CARLOSE CUELLAR, ET AL.,

Plaintiffs,

v.

ANTHONY FIDEL ALAMILLO, ET AL.,

Defendants.

Case No.: C 09-04047 PSG

**ORDER DISMISSING PLAINTIFF  
JOSE GARCIA'S AND PLAINTIFF  
JORGE CALDERON'S CLAIMS**

**(Re: Docket No. 69)**

Pursuant to this court's standing orders, no later than June 7, 2011, the parties were required to file trial briefs, any Motions *in Limine*, deposition transcripts and any other discovery responses that will be entered as evidence, proposed findings of fact and conclusions of law, and a joint pretrial statement. Plaintiff Jose Alberto Garcia ("Garcia") and Plaintiff Jorge Calderon ("Calderon") failed to file any of the aforementioned documents.

On June 22, 2011, the court ordered Garcia and Calderon or their counsel to appear before the court on Tuesday, June 28, 2011 at 2 p.m. to show cause why the complaint should not be dismissed as to their claims based on their failure to submit any of the final pretrial filings required by this court's standing order. On June 28, 2011, counsel for Garcia and Calderon appeared, without Garcia and Calderon, but did not show cause for their failure to submit the required

documents. Under Federal Rule of Civil Procedure 41(b), if the plaintiff fails to prosecute or to  
comply with a court order, the court may dismiss the action *sua sponte*.<sup>1</sup> Accordingly,

IT IS HEREBY ORDERED that Plaintiff Jose Alberto Garcia's and Plaintiff Jorge  
Calderon's claims are dismissed.

Dated: June 29, 2011

  
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PAUL S. GREWAL  
United States Magistrate Judge

United States District Court  
For the Northern District of California

<sup>1</sup> See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962).